

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA)	
ex rel. GARNER,)	
)	
Plaintiff,)	
)	No. C-1-00-463
v.)	JUDGE SPIEGEL
)	
ANTHEM INSURANCE COMPANIES,)	<u>FILED UNDER SEAL</u>
Inc., et al.,)	
)	
Defendants.)	

THE UNITED STATES' NOTICE OF ELECTION TO INTERVENE

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court that it hereby intervenes and takes over this action. The United States has reached an agreement with defendants, subject to negotiation of a settlement agreement and other final terms. Relator's counsel initially stated that the tentative settlement was acceptable, although he is now threatening to renege on his agreement. The United States expects that it, defendants and, hopefully, the relator should be able to execute a settlement agreement and effect dismissal of this action within sixty days.

The United States requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.


Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

GREGORY G. LOCKHART
United States Attorney


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Assistant United States Attorney

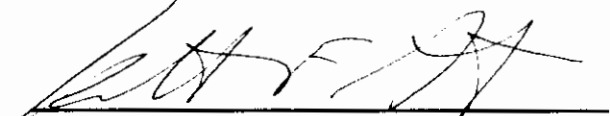
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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Notice of Election to Intervene by mailing a copy of same, USPS, postage prepaid, this ~~30~~ day of May, 2005, to the following:

Timothy Keller, Esq.
Aschemann Keller LLC
108 West Jackson
Marion, Illinois 6295


KENNETH F. AFFELDT (0052128)
Assistant United States Attorney